

IN THE DRAWINGS:

The attached sheet of drawings includes changes to Fig. 2 and Fig. 7.

Attachment: Replacement Sheet

REMARKS

This is intended as a full and complete response to the Office Action dated April 5, 2005, having a shortened statutory period for response set to expire on July 5, 2005. Please reconsider the claims pending in the application for reasons discussed below.

In the Specification, paragraph [0046] has been amended to correct typographical errors. In the Drawings, Figure 2 and Figure 7 have been amended to correct typographical errors.

Claims 1-28 are pending in the application. Claims 1-28 remain pending following entry of this response. Claim 25 has been amended. Applicant submits that the amendments to the claims do not introduce new matter.

Drawings Objections

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference sign "700" mentioned in the description. Paragraph [0046] has been revised to refer to "200" rather than "700." Accordingly, Applicant requests withdrawal of this objection.

Claim Rejections - 35 USC § 112

Claim 25 is rejected under 35 U.S.C. 112, as having insufficient antecedent basis for "the voltage generator" in line 6. Claim 25 has been amended to refer to "the voltage regulator" for which there is antecedent basis. Accordingly, Applicant requests withdrawal of this rejection.

Claim Rejections – Double Patenting

Claims 1-28 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-30 of copending Application No. 10/716,749 (the '749 application). Applicant submits herewith a terminal disclaimer claiming common ownership of the '749 application and the present application. Accordingly, Applicant requests withdrawal of this rejection.

Claim Rejections - 35 USC § 103

Claims 18-19 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Van Buskirk et al.* (US 6,205,074, hereinafter *Van Buskirk*) in view of *Kearney* (US 5,608,347).

The Examiner bears the initial burden of establishing a *prima facie* case of obviousness. See MPEP § 2142. To establish a *prima facie* case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Third, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP § 2143. The present rejection fails to establish at least the first criterion.

In other words, there is no suggestion or motivation to combine the teachings, as suggested in the Office Action. According to the invention claimed in independent claims 18 and 25 of the present application, a bias voltage negative with respect to a ground reference to be applied to a substrate of a switching transistor (claim 18) or a wordline (claim 25) is varied based on temperature information. As taught in the present application, in either case, reductions in power consumption may be achieved by reducing the sub-threshold leakage current when compared to conventional "static" devices where a bias level is set high enough to accommodate worst case operating scenarios.

Neither *Van Buskirk* nor *Kearney* teaches that the above effects can be achieved by controlling a negative voltage, as recited in the claims. Thus, a person skilled in the art would not be motivated to control these voltages, as claimed, based on temperature information. Further, a person skilled in the art would not be motivated to utilize the voltage generator taught by *Kearney* with the structure taught by *Van Buskirk*, as suggested in the Office Action, because the required verification performed during the operation could not be achieved. In other words, because the verification of properly erased bitlines taught by *Van Buskirk* relies on excessive leakage current (see col. 3, lines 19-33), such verification could not be performed if leakage currents were reduced in the manner suggested.

Accordingly, Applicant submits claims 18 and 25, as well as claim 19 which depends from claim 18, are allowable and request withdrawal of this rejection with respect to these claims.

Claims 1-4, 9-11, 14-15 are also rejected under 35 U.S.C. 103(a) as being unpatentable over *Van Buskirk* in view of *Kearney*. These claims include similar limitations to claims 18 and 25 discussed above. Accordingly, Applicant submits these claims are also allowable for the reasons stated above and request withdrawal of this rejection with respect to these claims.

Conclusion

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the office action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this office action.

Having addressed all issues set out in the office action, Applicant respectfully submits that the claims are in condition for allowance and respectfully requests that the claims be allowed.

Respectfully submitted,



Randol W. Read
Registration No. 43,876
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicant